

REMARKS/ARGUMENTS

Claim Amendments

The Applicant has amended no claims. Applicant respectfully submits no new matter has been added. Accordingly, Claims 1-2, 4-10 and 13-14 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 112

Claims 1-2, 4-10 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter as the invention. The Applicant respectfully disagrees with the statements that i) the Applicant failed to provide an explicit definition of a network component and ii) the broadest interpretation of network component may simply be a software component.

The Applicant respectfully submits that a person skilled in the art would know that network components in a communications network are varied and can include many parts, e.g., mobile phones, base stations and MSCs. The network components that are recited in independent claim 1 include a selection unit, and first and second interfaces. The Applicant respectfully submits that the broadest interpretation of a network component could be many things including circuit boards, antennae, hardware cabinets, etc.; or, parts that connect together, wireless or wireline, to form a network. Actually, the Applicant would propose that the software component is a narrow interpretation of a network component. In fact, the software component is what makes network components do what they do. Therefore, the Applicant respectfully submits that claims 1-2 and 4-10 particularly point out and distinctly claim the subject matter as the invention and respectfully requests the allowance of these claims.

Claim Rejections – 35 U.S.C. § 101

Claims 13-14 stand rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. The Applicant respectfully suggests that the Examiner makes a significant leap in logic by alleging a lack of an explicit definition of network component and then defining the claimed embodiment as "an embodiment entirely made up of software". Obviously, this is incorrect since there is a selection unit and a first and second interface disclosed in claim 13. Furthermore, it is respectfully submitted the examiner's interpretation is misplaced. A network component is recognized by one skilled in the art to be a piece of hardware, especially in a communications network.

The Applicant respectfully points to Figure 1, references 12 and 14, which are identified as mobile phones (page 13, lines 8-9) as one instance of an explicit network component definition. And, the original PCT claims prior to the Preliminary Amendment dated January 17, 2005 provides the reference numbers (12, 14, 140) designating some network components as mobile phones (12, 14) and one as "an intermediate node like a proxy component 140 interfacing the streaming source 10 and the group 19".

The Examiner states that claim 14 includes an embodiment entirely made up of software (i.e., computer program). The Applicant respectfully submits that any automatic machine using programmed (i.e., software program) controls, using the Examiner's description, can be considered a software component. However, the Applicant submits that the phrase "made up entirely of software" is incorrect in its application. Even if there were no references (but there is at least "a mobile or stationary terminal" in claim 14) to a physical component in claim 14, the physical components (network components, selection unit and interfaces) of claim 13 are included in the limitations of claim 14.

The Applicant respectfully submits that claims 13-14 are not directed to non-statutory subject matter and requests that these claims be allowed.

Claim Rejections – 35 U.S.C. § 102(e)

The Examiner rejected claims 1-2, 4-6, 10, and 13-14 under 35 U.S.C. § 102(e) as being anticipated by Karpoff (US 7,299,290). The Applicant respectfully traverses the rejection of these claims.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. Verdegaa

Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claims.

The Applicant respectfully asserts that the requirements for anticipating independent claim 1 and analogous claim 13 have not been met. The present invention discloses a method and system for conferring control of a data source among individual network components. "In the context of the present invention, the processes of floor control and session control are distinguished. Session control defines the process of controlling the data source. Floor control relates to the task of selecting the network component that is to control the data source, i.e. the process of selecting the session controller. Optionally, the process of floor control may relate additionally to the task of transferring the right to select the session controller, i.e. the right to confer floor control." (page 2, lines 26-32) And, the Applicant respectfully submits that the cited art, Karpoff, does not disclose floor control as defined by the Applicant's Specification.

The Detailed Action in paragraph 1, states that Karpoff discloses a method of controlling a floor controller. The Applicant respectfully disagrees. A floor controller is a term of art and is described above and in the Applicant's Specification as relating to selecting a network component that is to control a data source, i.e. the process of selecting a session controller. Optionally, the process of floor control may relate additionally to the task of transferring the right to select the session controller, i.e. the right to confer floor control. (see above)

The Karpoff reference discloses a method and system for delivering streaming data content to a client device over a data communications network. In the Abstract, Karpoff controls transfer of requested data to a client and in other cases the controller device coordinates the delivery of requested data using one or more other similar controller devices in a pipelined fashion.

In comparing the floor controller in the Applicant's present invention to the Karpoff reference, the Karpoff reference appears to disclose a device that coordinates data delivery. There is no floor controller mentioned or alluded to in the Karpoff

reference. Karpoff does disclose a controller device that coordinates delivery using other controller devices, but does not disclose the controller device as belonging to a group of network components that are configured to receive a data stream.

Karpoff also fails to disclose the limitations of the floor controller selecting a network component for controlling the data source. In the cited portion of Karpoff, the Examiner states that Karpoff discloses authenticating a client and a successful authentication allows the client to request data streams. The Applicant respectfully disagrees with the interpretation of the cite. Column 17, lines 20-25 of Karpoff discloses a client sending a request to the controller device without sending to a server except when authenticating the client. This doesn't appear to relate to a floor controller and the Applicant does not see any connection as there is no reference to controlling a data source, nor is there a reference to a floor controller selecting a network component. The Applicant respectfully submits that this limitation is not disclosed by the Karpoff reference.

Also, the Examiner cites Karpoff in columns 15, 17 and 18 for disclosing the floor controller triggering translation of the control instruction into a session control command and then forwarding the session control command to the data source. The Applicant respectfully disagrees with the interpretation of the cited references as none of the three references disclose translation of the control instruction into a session control command. And, none of the cited portions of Karpoff discloses forwarding the translated control instruction to the data source.

Contrary to the Examiner's statement that all elements are disclosed in the Karpoff reference, the elements regarding the floor controller and the floor controller selecting from the group of network components is not disclosed. And, the element regarding translating the control instruction into a session control command and then forwarding the session control command to the data source is not disclosed. So, the rejection of claim 1 is unsupported by the art and should be withdrawn. Claim 13 is analogous to claim 1 and contains similar limitations and the Applicant respectfully requests the allowance of Claim 13 on the same basis.

Claims 2, 4-6, 10, and 14 depend from amended claims 1 and 13 respectively and recite further limitations in combination with the novel elements of claims 1 and 13. Therefore, the allowance of claims 2, 4-6, 10 and 14 is respectfully requested.

Claim Rejections – 35 U.S.C. § 103 (a)

The Examiner rejected claims 7-9 under 35 U.S.C. § 103(a) as being unpatentable over Karpoff (US 7,299,290) in view of Maggenti, *et al.* (US 2002/0086665). The Applicant respectfully traverses the rejection of these claims.

The Maggenti reference fails to provide the previously recited elements that both the Dommel reference and the Karpoff reference do not disclose. Therefore, the Applicant respectfully submits that Maggenti, whether considered individually or in combination, does not render the claims unpatentable. The Applicant respectfully requests the allowance of these claims.

Examiner's Response to Amendment, Applicant's response

As is argued above, the Applicant disagrees with the Examiner regarding the controller devices of Karpoff. The Examiner states in the Response that the devices of Karpoff are irrelevant since the argued feature is not claimed. With this the Applicant agrees. As the Applicant understands the Examiner's statement, this is just the point. Since the controller devices of Karpoff are equated, by the Examiner, to the floor controller of the present invention and the Applicant does not agree they are equivalent, then yes the "controller devices" are not claimed and are thus irrelevant. Controller devices are found in Karpoff not the Applicant's present invention.

As argued previously with regard to Karpoff not teaching a selected network component, the Karpoff reference fails to disclose a designated floor controller selecting a network component to control a data source. Karpoff also fails to disclose that the floor controller receives a control instruction from a previously selected network component (to which session control has been passed) and that the control instruction triggers the translation (page 3, lines 13-15; page 4, lines 9-12; page 6, lines 1-3 and others) of a transformed session control command to the data source.

With regard to the Examiner's assertion that failure to "significantly" narrow definition/scope of the claims and supply arguments implies that the Applicant intends broad interpretation be given to the claims. The Applicant respectfully disagrees. The Applicant does not believe the Examiner has provided a rejection having valid art that would necessitate further narrowing of the current claims.

Although the Examiner may give the claims the broadest reasonable interpretation, the Examiner cannot ignore the plain meaning of words in the claims. In addition, each and every element of the claim must be expressly or inherently described in the reference in order to anticipate the claim (see MPEP 2111.01 and 2131). Therefore, the Applicant's position is that the cited art, i.e., Karpoff, does not disclose all the Applicant's independent claim limitations and thus does not anticipate the Applicant's invention, especially in the independent claims.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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